

Applicants: David M. Stern et al.  
Serial No.: 09/638,648  
Filed: August 14, 2000  
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REMARKS

Claims 12-15 are pending and under examination in the subject application. Applicants have hereinabove canceled claims 12-15 without prejudice or disclaimer to applicants' right to pursue the subject matter of these claims in a later-filed application. Claims 1, 2, 4, 7-11 and 16 have been allowed by the Examiner. Accordingly, upon entry of this Amendment, no more claims will be pending and under examination.

Rejection under 35 U.S.C. §101

The Examiner rejected claims 12-15 under 35 U.S.C. §101 as claiming the invention of claims 12-15 of copending U.S. Application No. 09/992,955.

Specifically, the Examiner had previously issued a provisional statutory-type double patenting rejection of claims 12-15 of the subject application under 35 U.S.C. §101. Copending U.S. Application No. 09/992,955 has since been allowed and the Notice of Allowance was mailed May 21, 2003. Accordingly, the Examiner now states that the rejection of pending claims 12-15 of the subject application is no longer provisional and that applicants are required to amend or cancel the claims.

In response, applicants have herein canceled claims 12-15. Accordingly, applicants maintain that the Examiner's rejection under 35 U.S.C. §101 is now moot, and respectfully note that all

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remaining claims are allowed.

Summary

Applicants respectively request that a Notice of Allowance be issued for this application.

No fee is deemed necessary in connection with the filing of this Amendment. However, if any fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

If a telephone interview would be of assistance in advancing the prosecution of the subject application, applicants' undersigned attorneys invite the Examiner to telephone them at the number provided below.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:

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Reg. No. 37,399

Date

- 2/19/07